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DISCRIMINATION AGAINST INDIGENOUS PEOPLES

Written statement submitted by Four Directions Council, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following written statement which is distributed in accordance with Economic and Social Council resolution 1296 (XLIV).

[6 August 1993]

AN OPEN LETTER TO MEMBERS OF THE SUB-COMMISSION: IT IS TIME TO ADOPT THE DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES

In four months, the International Year of the World's Indigenous People will come to an end. The United Nations itself contributed no financial resources to the International Year and, thus far, little of substance has been achieved. There is still one thing that the United Nations can do to celebrate the International Year, however, that will give it real meaning for indigenous peoples. It can approve the draft declaration on the rights of indigenous peoples, at least at the level of the Sub-Commission.

The Working Group on Indigenous Populations has laboured on this instrument since 1985, in a spirit of growing sympathy for indigenous peoples' aspirations. For most of this time, the Working Group tried to promote a dialogue with Governments, hoping that a consensus would eventually emerge on sensitive issues such as self-determination. But those Governments which were most opposed to our views simply stopped participating actively in the Working Group.

A breakthrough occurred at the Working Group's eleventh session, which was attended by the representatives of more than 125 indigenous nations, organizations, and peoples. The Working Group abandoned its effort to negotiate some kind of consensus, which it realized now would have to be achieved at higher, political levels of the United Nations. Instead, its members accepted the fact that the indigenous peoples' position was legally correct - even if it thus far lacked political consensus. On this basis, the Working Group agreed that indigenous peoples are peoples, and have the right to self-determination, the same as other peoples.

In our view, the Working Group has already accepted nearly all of the indigenous peoples' proposals substantively, if not always in the same words or style. Further redrafting of the text may result at best in some stylistic improvements, but nothing more. Meanwhile, indigenous peoples face destruction, displacement and ethnocide in many parts of the world. We feel the time has come to move ahead from legal debates to political action.

We suffer under no illusions as to the political acceptability of the draft declaration as it now stands. We are well aware of the fact that very few Governments are ready to acknowledge our right to self-determination - although we applaud those, such as those of Australia, Colombia, Denmark and Norway, which already have sufficient courage and trust in indigenous peoples to stand beside us on this issue. But we can only begin the long and difficult task of convincing the other Governments once we have a final draft of the declaration, supported by indigenous peoples, as a starting point.

We do not want our declaration of rights to be the "lowest-common denominator" of what is currently acceptable to Governments, like the United Nations declaration on minorities. We are fortunate to have an International Labour Organisation convention in force which secures a basic minimum standard of rights to land and internal self-government. The United Nations declaration must go further.

We understand that there will be a political debate. But we want to pursue this debate at the highest and most visible political levels of the United Nations, not at the level of the Working Group. More was achieved by a public confrontation at Vienna on the question of "peoples", last June, than by years of polite discussions in closed rooms.

The Sub-Commission is a body of legal experts, not Governments, and has a duty to do what is just, not what is politically expedient. Indigenous nations and peoples around the world urgently need the full recognition of their distinct rights to self-determination, lands and territories, and control over the means for their survival. Give us a tool, during this International Year, in the shape of a strong draft declaration so we can begin the next stage of publicity and political engagement with Governments.